

Response After Final
Application No. 10/615,832
Attorney Docket No. 030733

REMARKS

Claims 1-6, 8, 9, 11-20 and 23-26 are pending in the present application. By this Amendment, claims 1 and 11 have been amended, and claims 8, 9, 16-20 and 23-26 have been cancelled. No new matter has been added. It is respectfully submitted that this Amendment is fully responsive to the Office Action dated August 2, 2007.

Claim Objections:

Claims 16 stands objected to as set forth in item 1 of the Office Action. Claim 16 has been cancelled, thereby rendering this rejection moot.

As to the Merits:

As to the merits of this case, the Examiner relies on the newly cited reference of Haneda (USP 6,189,027) in setting the following rejections:

claims 1, 4, 9, 11 and 15 are rejected under 35 U.S.C. §102(b) as being anticipated by Chang et al. (US 6,292,825);

claim 5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Chang in view of Boyle et al. (U.S. Pat. 6,119,167);

claims 12 and 13 are rejected under 35 U.S.C. §103(a) as being unpatentable over Chang in view of Beyda et al. (US 6,275,850 B1);

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claims 2, 3, 6, 8 and 14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Chang in view of Wakasugi et al. (US 6,823,367 B1);

claims 16, 23 and 25 are rejected under 35 U.S.C. §103(a) as being unpatentable over Chang in view of Haneda et al. (US 6,189,027 B1)"; and

claims 17, 18, 19, 20 and 24 are rejected under 35 U.S.C. §103(a) as being unpatentable over Change in view of Haneda as applied to claims 16 and 23 above, and further in view of Wakasugi.

Each of these rejections is respectfully traversed.

Independent Claim 1:

Independent claim 1 has been amended to include the features of cancelled claim 8. As such, claim 1, as amended, now calls for *wherein the means for transmitting determines not to transmit the electronic mail of the new mail notification by the push method protocol when the received electronic mail is a reception confirmation mail of electronic mail transmitted previously.*

With regard to these features, it is submitted that the Examiner's reliance on the teaching of Wakasugi in item 12 of the Action is lacking. More specifically, while such reference may disclose the concept of sending an e-mail delivery confirmation, Wakasugi is completely silent

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with regard to not sending a new mail notification when the received e-mail is a reception confirmation mail of an e-mail transmitted previously. Moreover, the Examiner also properly acknowledges in item 12 that Chang also fails to disclose or fairly suggest this feature of claim 1.

As such, it is submitted that neither reference, Chang or Wakasugi, singly or in combination, teach or fairly suggest the features of claim 1 concerning *wherein the means for transmitting determines not to transmit the electronic mail of the new mail notification by the push method protocol when the received electronic mail is a reception confirmation mail of electronic mail transmitted previously.*

Independent Claim 11:

Independent claim 11 has been amended to include the features of cancelled claim 9. As such, claim 11, as amended, now calls for *means for transmitting determines not to transmit the electronic mail of the new mail notification by the push method protocol in the received electronic mail if the electronic mail is not attached with an attached file.*

In contrast, Chang discloses in col. 4, lines 62-67, that if a designated message has an unusually long document attached to the message, it may deliver only the message without the attached document. However, it is respectfully submitted that delivering a message without the

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attached document is completely different from not transmitting the new mail notification if no attachment is present in the received e-mail, as called for in claim 11.

As such, it is submitted that Chang fails to disclose or fairly suggest the features of claim 11 concerning *means for transmitting determines not to transmit the electronic mail of the new mail notification by the push method protocol in the received electronic mail if the electronic mail is not attached with an attached file.*

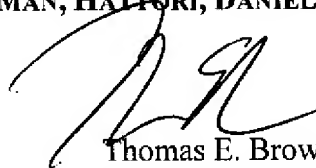
In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

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If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A handwritten signature in black ink, appearing to read 'TEB', is written over the printed name of Thomas E. Brown.

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